



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 16, 2020

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Kyrsten Sinema
Ranking Member
Subcommittee on Regulatory Affairs and Federal Management
Committee on Homeland Security and Governmental Affairs
U.S. Senate
Washington, D.C. 20510

Dear Ranking Member:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated October 20, 2020, to Administrator Andrew Wheeler regarding the Agency's telework policies in response to the COVID-19 pandemic.

At EPA, our highest priority is protecting the health and safety of all Americans. We are an Agency built on people and we rely on those people to accomplish the Agency's critical mission of protecting human health and the environment. The Agency is taking extensive steps to support our workforce and our EPA colleagues are doing great work for the American people. EPA has remained operational throughout the pandemic, and during this time Agency staff have risen to the unique challenges posed by COVID-19. We have continued to protect human health and the environment, delivering the same high quality of work to the American public.

Throughout this pandemic the Agency has and will continue to evaluate options to provide as much flexibility to our staff as possible so that they are able to balance work and family responsibilities. In March 2020, the Agency began a maximum telework policy and encouraged all eligible employees to telework. During the first two phases of the Agency's reopening, unless there is a compelling reason to be in the office, staff are encouraged to telework. Also, the Agency increased the work hours available and allowed for extended breaks during the day for those on flexible work schedules. While employees were expected to return to normal work schedules during Phase 2 of the reopening, the Agency decided to provide additional work schedule flexibility for those with continuing dependent care issues due to the pandemic, with telework also continuing to be an option for all employees. Our goal is to provide as much appropriate flexibility as possible so that EPA employees can adequately balance family and work responsibilities during the pandemic.

Prior to the COVID-19 pandemic, in March 2020 the maximum regular telework days allowed per pay period varied. While full time telework was available to nonbargaining unit employees and some bargaining units, AFGE bargaining unit employees were allowed 4 days per pay period. According to Agency data, most employees, regardless of bargaining status, teleworked between 3 and 4 days per pay period. Effective March 11, 2020, EPA temporarily waived the requirement in EPA Order 3110.32 that

employees must submit a written physician-certified statement supporting medical telework requests. Instead, EPA allowed employees to self-certify. Effective March 13, 2020, EPA waived telework eligibility criteria with regards to conduct and performance issues. Employees who were ineligible to telework because of conduct or performance issues became temporarily eligible. Effective March 16, 2020, EPA waived pay period limitations and authorized all employees with a telework agreement to telework to the maximum extent possible.

During instances when the Agency must ensure employees' safety, such as the pandemic or needing to move into a COOP status, all Agency employees have the ability to telework. In the attached enclosure, you will find a chart detailing the percent of EPA employees that teleworked by pay period and month in FY19 and FY20. Since EPA does not maintain data on the percent of employees whom maintain a telework agreement with their direct supervisor or regularly telework, the enclosed data is not representative of the percentage of the workforce that was eligible to telework; nor is this data representative of the percentage of total hours the workforce teleworked during a given pay period or month. Instead, the data display the percentage of EPA's employees who telework by pay period and month in FY19 and FY20.

To ensure our management, staff, and employees could continue to be as productive and successful in protecting human health and the environment during COVID-19, extensive efforts were made to assist and ensure the Agency transitioned into maximum telework with relative ease and success. Telework changes were communicated to employees through various methods including electronic correspondence (e.g., email, intranet documents), meetings (e.g., town halls, staff meetings), and other notifications from supervisors. EPA also provided the following trainings to managers and employees on remote work tools to help adapt to a telework environment: Introduction to Microsoft Teams; Conducting Meetings in Teams; Using Microsoft Planner in Teams; Microsoft Teams – Introduction to Microsoft Live Events; Microsoft Teams – Microsoft Live Events for Producers; Microsoft Teams – Microsoft Live Events Office Hours; and, Introduction to Microsoft Stream Video Service. In addition to these trainings, EPA program offices and Regions provided local training on remote tools and program-specific applications.

With respect to the type of hardware and other information technology (IT) acquisitions that have been required for the Agency to adequately accommodate the current maximum telework posture during the COVID-19 pandemic, EPA roughly doubled the capacity of the Managed Remote Access services provided by AT&T. Additional AT&T internet bandwidth was also added while EPA adjusted traffic streams to minimize impact on remote access. To do this EPA increased its Pulse Secure Remote Access License from 7,500 to 12,500 concurrent users; added 4 Pulse Secure PSA700F remote access servers to support demand increase; and increased AT&T internet bandwidth by 2Gbps. Through software and remote work technologies, like Microsoft Teams, EPA employees are easily connected and maintain productivity while teleworking just as if they were in the office. While EPA does not have a need for additional hardware, the Agency has had to absorb the \$49,000 in monthly costs out of base resources and has no plans to conduct a cost-benefit analysis on telework practices.

From the beginning of the COVID-19 pandemic and prior to the reopening of any facility, the Agency communicates each facilities' posture and current policies and procedures via global Agency "Mass Mailer" emails, intranet pages, memoranda, and virtual town halls. EPA employees have access to the Agency-wide reopening plan on the Agency's intranet site, and local facilities' plans are provided by national program or regional managers within their local status update emails. Senior Agency leadership have also communicated directly and frequently with Agency employees throughout the pandemic. They

have emphasized their appreciation to EPA staff for their continued work to protect human health and the environment during the COVID-19 pandemic, ensuring that the Agency is delivering the same high-quality work to the American public. Agency leadership will continue to detail EPA's progress in the transparent, data-driven, and deliberate approach to returning our workforce to Agency offices in a manner that ensures employees' health and safety.

The Agency stands ready to continue to take actions to combat COVID-19 and protect human health and the environment. The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions, and is committed to continuing to work with the Committee and its staff on how best to accommodate the Committee's interests. If you have further questions, you may contact me, or your staff may contact Garrett Kral in EPA's Office of Congressional and Intergovernmental Relations at Kral.Garrett@epa.gov or (202) 564-9114.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Brazauskas, Jr.", with a stylized, cursive script.

Joseph A. Brazauskas, Jr.
Associate Administrator

Enclosure